

AMENDED IN ASSEMBLY MAY 12, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1138**

**Introduced by Assembly Member Frommer**

February 21, 2003

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An act to ~~add Section 12530 to the Government Code, relating to terrorism.~~ amend Section 1534 of the Penal Code, relating to search warrants.

LEGISLATIVE COUNSEL'S DIGEST

AB 1138, as amended, Frommer. ~~Attorney General: California Anti-Terrorism Information Center Search warrants.~~

*Existing law provides that the documents and records of the court relating to the issuance of a search warrant need not be open to the public until the execution and return of the warrant or the expiration of a 10-day period after issuance. Existing law further provides that thereafter, if the warrant has been executed, the documents and records shall be open to the public as a judicial record.*

*This bill would delete those provisions and instead provide that the documents and records of the court relating to the warrant would not be open to the public until the expiration of the statute of limitations for all of the offenses set forth in the warrant and supporting documents, or until ordered by the issuing magistrate following notice to the peace officer who executed the warrant and upon a finding that public disclosure would not adversely affect a continuing criminal investigation. The bill would further provide that thereafter, the documents and records would be open to the public as a judicial record. The bill would also provide that the provisions would not require the*

*disclosure of any information contained in a search warrant, search warrant affidavit, statement of probable cause, or supporting documents that is sealed by order of the court, or that is confidential or privileged under any other provision of law.*

~~Existing law generally sets forth the duties of the Attorney General in overseeing various law enforcement programs in the state.~~

~~This bill would establish the California Anti-Terrorism Information Center in the office of the Attorney General, and set forth the duties of the center in collecting antiterrorist information, analyzing and disseminating criminal intelligence, and acting as the law enforcement liaison between local and federal law enforcement authorities.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 12530 is added to the Government~~

2 *SECTION 1. Section 1534 of the Penal Code is amended to*  
3 *read:*

4 1534. (a) A search warrant shall be executed and returned  
5 within 10 days after date of issuance. A warrant executed within  
6 the 10-day period shall be deemed to have been timely executed  
7 and no further showing of timeliness need be made. After the  
8 expiration of 10 days, the warrant, unless executed, is void. ~~The~~  
9 ~~documents and records of the court relating to the warrant need not~~  
10 ~~be open to the public until the execution and return of the warrant~~  
11 ~~or the expiration of the 10-day period after issuance. Thereafter,~~  
12 ~~if the warrant has been executed, the documents and records shall~~  
13 ~~be open to the public as a judicial record.~~

14 (b) If a duplicate original search warrant has been executed, the  
15 peace officer who executed the warrant shall enter the exact time  
16 of its execution on its face.

17 (c) A search warrant may be made returnable before the issuing  
18 magistrate or his court.

19 (d) *The documents and records of the court relating to the*  
20 *warrant shall not be open to the public until the expiration of the*  
21 *statute of limitations for all of the offenses set forth in the warrant*  
22 *and supporting documents, or until ordered by the issuing*  
23 *magistrate following notice to the peace officer who executed the*  
24 *warrant and upon a finding that public disclosure will not*

1 *adversely affect a continuing criminal investigation. Thereafter,*  
2 *the documents and records shall be open to the public as a judicial*  
3 *record.*

4 *(e) This section shall not require the disclosure of any*  
5 *information contained in a search warrant, search warrant*  
6 *affidavit, statement of probable cause, or supporting documents*  
7 *that is sealed by order of the court, or that is confidential or*  
8 *privileged under any other provision of law.*

9 ~~Code, to read:~~

10 ~~12530. (a) The California Anti-Terrorism Information~~  
11 ~~Center is established in the office of the Attorney General.~~

12 ~~(b) The headquarters unit of the center shall oversee both of the~~  
13 ~~following programs:~~

14 ~~(1) Field operations.~~

15 ~~(2) Intelligence operations.~~

16 ~~(c) The center shall perform, but not be limited to, all of the~~  
17 ~~following activities:~~

18 ~~(1) Serving as a central collection point for all antiterrorist~~  
19 ~~information for all law enforcement agencies in the state.~~

20 ~~(2) Rapidly disseminating intelligence information on criminal~~  
21 ~~acts to the appropriate law enforcement authority.~~

22 ~~(3) Providing analysis and strategic planning on all criminal~~  
23 ~~intelligence gathered and shared with local, state, and federal law~~  
24 ~~enforcement agencies.~~

25 ~~(4) Acting as the law enforcement liaison between local and~~  
26 ~~federal law enforcement authorities.~~

